



PATENT
Attorney Docket No. 101.0084-00000
Customer No. 22882
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No. 7453
Gary K. Michelson)
Serial No.: 09/457,228) Group Art Unit: 3738
Filed: December 8, 1999) Examiner: B. Snow
For: SPINAL IMPLANT SURFACE)
CONFIGURATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("inventor/owner") Gary Karlin Michelson, residing at 13140 Boca De Canon Lane, Los Angeles, California 90049, represents that he is the only inventor/owner of the entire right, title and interest in and to the above-identified application, Serial No. 09/457,228, filed December 8, 1999 for SPINAL IMPLANT SURFACE CONFIGURATION and is the only inventor/owner of the entire right, title and interest in and to application Serial No. 09/572,518, filed May 17, 2000 for ORTHOPEDIC IMPLANT SURFACE CONFIGURATION. Inventor/owner Gary Karlin Michelson further represents through his representative that to the best of inventor/owner's knowledge and belief, title to the above-identified application and application Serial No. 09/572,518 are in inventor/owner, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Gary Karlin Michelson hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 09/457,228, which would extend beyond the expiration date of any patent granted on application Serial No. 09/572,518 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the

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same as the legal title to any patent granted on application Serial No. 09/572,518, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 09/457,228 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on application Serial No. 09/572,518, as presently shortened by any terminal disclaimer, in the event that any patent granted on application Serial No. 09/572,518: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is enclosed.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 50-1066. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of Petitioner Gary Karlin Michelson.

Respectfully submitted,

MARTIN & FERRARO, LLP

By:


Amedeo F. Ferraro
Registration No. 37,129

Date: March 1, 2004

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